

Remarks/Arguments

The present Amendment is made in response to the Office Action dated December 22, 2005, and identified as Paper No. 20051128. Claims 9-19 are pending in the application.

In the Action, the Examiner rejected claims 1 and 2 under 35 U.S.C. § 103(a) as obvious over U.S. Published Patent Application No. 2003/0045235 to Mooney ("*Mooney*") in view of U.S. Patent No. 4,939,775 to Houck ("*Houck*"), in further view of U.S. Patent No. 6,233,462 to Kanai ("*Kanai*"). Claims 3-9 were rejected under 35 U.S.C. § 103(a) as obvious over *Mooney* in view of U.S. Published Patent Application No. 2003/0017859 ("*Martinez*"). Claim 9 was indicated as allowable if rewritten in independent form.

I. Rejections in view of *Mooney*, *Houck*, and *Kanai* (claims 1-8)

Applicant has cancelled claims 1-8 in favor of new claims 15-20 which more clearly define the present invention. In particular, the claim are directed toward a wireless headset that includes sound detection circuitry for answering an incoming telephone call. New claims 15-20 recite essentially the same subject matter as claims 1-8, albeit more clearly. As will be explained below, the present invention is patentable over *Mooney*, which does not in fact disclose sound detection circuitry for answering an incoming telephone call.

According to the Examiner, *Mooney* discloses a wireless headset that includes a voice activated circuit that is capable of "activating" the headset. This is not actually case. Due to the fact that the disclosure in *Mooney* is a very confusing, the Examiner mistakenly reached the conclusion that an incoming call may be answered by a voice activated circuit in the headset. The portion of the specification relied on by the Examiner instead discloses how a voice connection may be established between the "gateway" and the headset *prior* to a call being

answered. Thus, the sound detection circuitry in *Mooney* is in the **base unit** that is directly connected to the phone, not the **headset** that is remotely worn by the user.

More particularly, *Mooney* teaches that a Bluetooth gateway (*i.e.*, the base unit attached to the phone) detects an incoming call then listens for sound from the remote headset. If sound is detected, the base unit establishes a connection with the headset and passed the ring signal along to the headset. Thus, sound activity on the headset is used by the base unit to determine whether the ring should be passed along to the headset to be passed along, not for the purposes of activating the base unit or answering the incoming call. *Mooney* thus discloses structure and a method for determining whether a headset is in use and then ringing the headset, not for answering a phone call from the headset, as recited in the claims of the present invention.

New independent claim 15 calls for a wireless headset, comprising: first circuitry for measuring a predetermined time period in response to receiving an incoming ring signal; second circuitry for detecting when sound received by said headset exceeds a threshold; and third circuitry for causing an off-hook condition when the detected sound rises above the threshold before the expiration of said predetermined time period.

As explained above, *Mooney* does not disclose any such circuitry **in the headset**. Instead, the circuitry in *Mooney* is the base unit or “gateway” portion of the system that is attached directly to the telephone. In addition, the circuitry disclosed in *Mooney* does not cause an off-hook condition to answer the call when sound from the headset is detected. Instead, the circuitry establishes a connection between the headset and the base so that the ring signal may be passed through to the headset. Thus, *Mooney* fails to disclose at least two affirmative limitations recited in the claims of the present application.

II. Allowance of Claim 9

Without prejudice to Applicant's right to present claims in a continuing application, Applicant has amended claim 9 to place it into condition for allowance. Applicant has added additional claims 10-14 which depend from claim 9 and are therefore also believed to be allowable.


A Petition for a One Month Extension of the Time for Reply and authorization to charge Deposit Account No. 50-1546 is submitted herewith.

In view of the foregoing amendments, the Examiner's consideration is requested and allowance of the present application is believed to be in order. If the Examiner believes a phone conference with Applicant's attorney would expedite prosecution of this application, please contact the undersigned at (315) 218-8515. Please charge Deposit Account 50-1546 for any deficiencies or credit any over-payment with regard to this response.

Respectfully submitted,

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By:



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